NINTH ANNUAL REPORT

THE LAW REFORM COMMISSION OF NOVA SCOTIA
FISCAL YEAR APRIL 1, 1999 - MARCH 31, 2000

The Law Reform Commission of Nova Scotia was established by the Government of Nova Scotia under the *Law Reform Commission Act*, S.N.S. 1990, c.17. It began operation in 1991.

The Commissioners for 1999–2000 were:

David A. Cameron
Theresa Forgeron
Justice David MacAdam
Gregory North, Q.C., Co-President
Dawn Russell, Co-President
Dale Sylliboy

The Commission staff in 1999-2000 were:

Anne Jackman, Executive Director
William Charles, Q.C., Acting Executive Director (during Executive Director's leave)
William H. Laurence, Legal Research Counsel
Karen McEwen, Legal Researcher (April - October)
Franca Iussa, Administrative Assistant

The Commission offices are located at:

1484 Carlton Street
Halifax, Nova Scotia
Canada B3H 3B7

Telephone: (902) 423-2633
Fax: (902) 423-0222
E-mail: lawrefns@fox.nstn.ca

The Commission's work is available on the Internet through the Chebucto Community Net at http://www.chebucto.ns.ca/Law/LRC and also from links on the Government of Nova Scotia Web site (http://www.gov.ns.ca/) under Government Agencies.

The work of the Law Reform Commission of Nova Scotia is supported by the Department of Justice of Nova Scotia and by the Law Foundation of Nova Scotia.

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THE LAW REFORM COMMISSION OF NOVA SCOTIA
ANNUAL REPORT APRIL 1, 1999 - MARCH 31, 2000

A. OVERVIEW OF THE LAW REFORM COMMISSION

The Law Reform Commission of Nova Scotia was created by the Government of Nova Scotia by the *Law Reform Commission Act*.[1] According to the *Act*, the Commission is made up of between five and seven Commissioners, an Executive Director and legal research and administrative staff. The Commission reports to the public and elected representatives of Nova Scotia through the Minister of Justice for Nova Scotia. It is not, however, a government department but an independent advisor to government. The six part-time Commissioners come from differing sectors of Nova Scotia and their appointment process is set out in the *Act*. One Commissioner is selected by the Judges of Nova Scotia; two are community representatives appointed by the Governor in Council; two are selected by the Nova Scotia Barristers' Society; and one person represents Dalhousie University Law School. One of the Commissioners must not be a lawyer. The Co-Presidents of the Commission are chosen by the Commissioners by consensus.

The Law Reform Commission is an important part of Nova Scotia's justice system. The Commission serves a wide range of people and interests in the province. The Commission's structure and independence from government enable it to thoroughly study issues and conduct broad consultation which would not otherwise occur. The Commission draws skills from the community for each project it conducts. Members of the public, lawyers, government officials, judges, community advocates and others freely give their time and expertise to the Commission. That knowledge, in combination with the Commission's independence, uniquely enables the Commission to provide a much needed service to Nova Scotians, namely the performance of full and thorough consultation resulting in recommendations for the improvement, modernization and reform of laws.

The Commissioners, along with the Commission staff, are responsible for carrying out the work of law reform in the province. The Commission is an independent advisory agency of government. The independence of the Commission is achieved through its Commissioner selection process, its arms-length relationship to government and the fact that it does not rely solely on government funding. This independence is essential to its effective functioning as an advisor to government and allows it to communicate the law reform needs of Nova Scotia in a non-partisan manner.

The Commission's job is to review the laws of Nova Scotia and to make recommendations for improvement, modernization and reform. This may involve either formulating new ideas and

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[1] S.N.S. 1990, c.17, reproduced in Appendix A. The Law Reform Advisory Committee (LRAC) existed from 1972 to 1979. The current Law Reform Commission of Nova Scotia was created in 1991 and is an independent Commission, unlike the LRAC. The two Commissions are not connected.

approaches to law, or proposing ways in which existing laws and the legal system can be made clearer or simpler to better serve the needs of the general public.

One of the priorities of the Commission is to discuss, with the general public, any possible changes to the law and the effects of such changes. This is how the Commission determines whether laws that exist are truly serving Nova Scotians, or whether new or changed laws are needed. The Commission actively consults persons or groups with an interest and/or expertise in specific projects of the Commission. It is through discussion and study that the Commission's proposals for reform are made. The Reports of the Commission include summaries in English, French and Mi'kmaw and are available to the public either in published form or on the Internet through the Chebucto Community Net. This gives the public an opportunity to respond to suggestions for reform.

It is important to note that the Commission does not make law in Nova Scotia - this task is performed by the Government of Nova Scotia through the decisions of the political representatives in the Legislature. The Commission's Reports and recommendations are, however, formally presented to the Minister of Justice for Nova Scotia and may result in changes to the law. Law is also made through the decisions of judges and other appointed administrative decision makers in cases that come before them.

While the Commission attempts to provide the public with accurate legal information and often assists members of the public in locating legal information or advice, the Commission itself does not provide legal advice and does not intervene in individual cases.

The projects of the Commission cover many areas of law. Four of the projects were References (formal requests) from the Government of Nova Scotia. The other projects resulted from suggestions made by members of the public, community or interest groups, judges and lawyers.

The projects taken on by the Commission deal with:

- Enforcement of maintenance obligations
- The jury system
- Adult guardianship
- Domestic violence
- The administrative justice system
- Advance health care directives ("living wills")
- The legal status of children born outside of marriage
- Matrimonial property division
- Mortgage remedies

- The law of probate
- Enduring powers of attorney
- The *Tortfeasors Act*
- Interim payment of damages
- Mental health provisions of the *Hospitals Act*
- The *Mechanics' Lien Act*
- Minors' Consent to Health Care
- Adoption information

The Commission usually prepares two publications during the course of a project. The first publication, the Discussion Paper, is intended to provide information about the project to people who do not have legal training. It sets out the Commission's preliminary suggestions for reform. The purpose of the Discussion Paper is to encourage people to consider and comment on the issues, values and principles that the Commission is identifying as the basis for its proposed reforms. The staff of the Commission spend a significant amount of time discussing the proposed reforms with individuals, groups and the media.

The second publication is a Final Report which is submitted to the Minister of Justice as representative of the Government of Nova Scotia. It contains the final recommendations of the Commission and, in some cases, a draft law. The Commission's final recommendations take into account the responses it receives to the Discussion Paper. A Final Report is intended to provide a basis for the Government to consider and adopt the reform recommendations. The Commission does not engage in active advocacy regarding implementation of its recommendations beyond providing the recommendations to the Government and members of the public. Instead, the Commission is of the view that in a democratic system, members of the public, governmental and non-governmental organizations and elected representatives are best placed to encourage implementation of the recommendations that serve their needs. The Commission has, however, been involved with internal government committees that seek to implement the Commission's recommendations and monitor changes to laws which result from the Commission's recommendations.

As of March 31, 2000 the Commission has published the following reports (a list of publications by project is contained in Appendix C at the end of this Report):

Enforcement of Maintenance Obligations (Discussion Paper, July 1992)

Enforcement of Maintenance Obligations (Final Report, November 1992)

Violence in a Domestic Context (Discussion Paper, March 1993)

Reform of the Jury System in Nova Scotia (Discussion Paper. May 1993)

The Legal Status of the Child Born Outside of Marriage in Nova Scotia (Discussion Paper, August 1993)

Adult Guardianship in Nova Scotia (Discussion Paper, September 1993)

Reform of the Jury System in Nova Scotia (Final Report, June 1994)

Living Wills in Nova Scotia (Discussion Paper, November 1994)

From Rhetoric to Reality, Ending Domestic Violence in Nova Scotia (Final Report, February 1995)

The Legal Status of the Child Born Outside of Marriage in Nova Scotia (Final Report, March 1995)

Adult Guardianship and Personal Health Care Decisions (Final Report, November 1995)

Agencies Boards and Commissions: The Administrative Justice System (Discussion Paper, January 1996)

Matrimonial Property in Nova Scotia: Suggestions for a New Family Law Act (Discussion Paper, April 1996)

Reform of the Administrative Justice System in Nova Scotia (Final Report, January 1997)

Reform of the Law Dealing with Matrimonial Property in Nova Scotia (Final Report, March 1997)

Mortgage Foreclosure and Sale (Discussion Paper, July 1997)

Probate Reform in Nova Scotia (Discussion Paper, March 1998)

Enduring Powers of Attorney in Nova Scotia (Discussion Paper. June 1998)

Mortgage Foreclosure and Sale (Final Report, September 1998)

Probate Reform in Nova Scotia (Final Report, March 1999)

Enduring Powers of Attorney in Nova Scotia (Final Report, September 1999)

Interim Payment of Damages (Discussion Paper, January 2000)

Eight Annual Reports *(1991-1999)*

B. THE LAW REFORM COMMISSION

1. Operation of the Law Reform Commission

- **Law Reform Commissioners, 1999-2000**

Under the *Law Reform Commission Act*, the Commissioners may be part-time or full-time and are to be drawn from various sectors to ensure expertise and broad representation. Since its inception, however, all Commissioners have been part-time. The Commissioners are not employees of the Commission. Under an Order-in-Council, all of the Commissioners (except the representative of the Judiciary) receive compensation in the form of an honorarium for their services plus reimbursement for expenses incurred on Commission business. The Commission is now operating with six part-time Commissioners. The Commissioners usually meet every two to three months to make decisions on project work. The Commissioners are drawn from various locations in Nova Scotia, a fact which adds some cost to the operation of the Commission but ensures that its views are more broadly representative of the public in Nova Scotia.

Under the *Act*, the Commissioners are to choose one of the Commissioners to act as the President of the Commission. Since 1995, the Commission has operated with two Co-Presidents each year. Dawn Russell and Gregory North are currently the Co-Presidents. They share the responsibilities for chairing meetings and working with the Executive Director and staff. The following individuals served as Commissioners during the 1999-2000 fiscal year:

David A. Cameron
Commissioner (1997-2000)

Mr. Cameron was appointed by the Government to the Commission in December 1997. He has a B.A. from St. Francis Xavier University and an LL.B. from the University of New Brunswick. He was admitted to the Nova Scotia Bar in 1988 and practices law with the Halifax firm Daley, Black & Moreira. He practices primarily in the administrative, civil litigation and employment and labour law areas.

Theresa Forgeron
Commissioner (1995-2001)

Ms. Forgeron was nominated by the Bar Council in February 1995. She is a resident of Sydney, Nova Scotia and practices law with the Sydney firm, H.F. MacIntyre and Associates. She has been involved in a number of community boards, a provincial government court reform study and has an extensive family law practice.

Justice David MacAdam
Commissioner (1995-2001)

Justice MacAdam was admitted to the Bar in 1966 and was appointed to the Supreme Court of Nova Scotia in 1992. Prior to his appointment to the bench he practised law with the firm of Burchell MacAdam and Hayman in Halifax.

Gregory North, Q.C.
Co-President (1996-2002)

Mr. North was nominated by the Bar Council in June 1996. He was admitted to the Nova Scotia Bar in 1974 and practices with North Arbitration & Mediation Services Inc. Mr. North has extensive experience as an arbitrator and lawyer in the fields of labour relations and employment law. He is also involved with a number of volunteer community organizations. He became Co-President of the Commission in January 1998.

Dawn Russell
Co-President (1994-2000)

Dean Russell was appointed as the Dalhousie Law School representative and began serving on the Commission in August 1994. She is a full-time faculty member and Dean of Dalhousie Law School. Dean Russell teaches in the fields of corporate, international, and environmental law. She has served on numerous community and public service boards in Nova Scotia.

Dale Sylliboy
Commissioner (1994-2000)

Appointed by the Government to the Commission in August 1994, Mr. Sylliboy is a resident of Afton. He was the Executive Director of the Community Legal Issues Facilitation Demonstration Project (CLIF), an organization working on improving communication between Mi'kmaw people and the justice system. In 1996, he was appointed as a member of the

National Parole Board. Mr. Sylliboy is presently a Men's Counsellor with the Mi'kmaw Family Treatment Centre in Truro.

- **Commission Staff**

Under the *Law Reform Commission Act,* the Commission is to have an Executive Director and such persons as are required to do the work of the Commission. The Executive Director has responsibility for the management, direction, control and administration of the day to day operations of the Commission. The Commission also employs a Legal Research Counsel. Both the Executive Director and the Legal Research Counsel are actively involved in the substantive aspects of each project including the design of the project, reviewing the research, editing and/or writing reports, dealing with media, and meeting with the public.

Anne Jackman
Executive Director

Ms. Jackman began working as the Commission's Legal Research Counsel in 1991. She has a B.Sc. (Hon.) from Memorial University of Newfoundland, an LL.B. from the University of New Brunswick and an LL.M. in health law from Dalhousie Law School. Prior to her work with the Commission, she practised litigation and specialized in family law. Ms. Jackman is a member of several public interest associations. She became Executive Director in April 1997. The Executive Director was on leave until August 1999.

William H. Charles, Q.C.
Acting Executive Director

Mr. Charles has previously served as President and Co-President of the Commission and served as a Commissioner from 1991-1997. He is a retired member of the Faculty of Law, was formerly Dean of Law and is Professor Emeritus of the Faculty of Law at Dalhousie University. Mr. Charles was Acting Executive Director from September 1998 - August 1999.

William H. Laurence
Legal Research Counsel

Mr. Laurence has a B.A. (Hon.) from Carleton University, and LL.B. from McGill University as well as an LL.M. and M.L.I.S. from Dalhousie University. He worked as a legal researcher and practiced law before joining the Commission.

Karen McEwen
Legal Researcher

Ms. McEwen joined the Commission in January 1999 on a 10 month contract. In May 1999, Ms. McEwen received her Bachelor of Laws (Dalhousie) with specialization in Health Law and Policy. Prior to commencing her legal studies, she practiced as a registered nurse for twenty years, primarily in the field of neurocritical care.

The Commission also has a full time administrative staff person, **Franca Iussa**.

- **Consultants**

The following people provided services to the Commission in the 1999-2000 fiscal year: Nathalie Bernard (French translator), Chris Majka (electronic information system consultation), Katherine Sorbey (Mi'kmaw translator).

2. Finances

A copy of the Commission's Financial Statement is found at the end of this Report, Appendix B.

The Commission is funded jointly by the Department of Justice and the Law Foundation of Nova Scotia. Funding of the Commission has been somewhat tenuous since its inception as these two funding sources encounter increasing demands for their support. The Law Foundation in particular was experiencing difficulties due to low interest rates from which it derives its income. Original grants from each of these two sources were in the amount of $150,000, for a total budget of $300,000. This budget covered all of the Commission's costs including staff salaries, Commissioners' honoraria, rental of office space, printing and distribution of reports and telecommunications (phone, fax, e-mail and computer equipment). During the years 1994-95 and 1995-96, the Law Foundation's portion was reduced to $100,000 for a total budget of $250,000.

Over the last four years, the Law Foundation's funding has ranged from $0 to $50,000 per fiscal year. In January 2000, however, the Law Foundation approved the Commission's grant application for $100,000 for 2000-2001. This non-government funding is crucial to the independence of the Commission and brings the Commission's funding back to its earlier levels.

C. IMPLEMENTING A LAW REFORM MANDATE AND STRATEGY

1. Process and Strategy

Under section 4 of the *Law Reform Commission Act*, the purpose of the Commission is to review the law and legal system in the Province and any matter relating to law in the Province and to make recommendations for improvement, modernization and reform, including recommendations for:

(a) development of new approaches to, and new concepts of, law that serve the changing needs of society and of individual members of society;

(b) clarification and simplification of the law;

(c) removal of provisions of the law that are outdated;

(d) improvement of the administration of justice;

(e) review of judicial and quasi-judicial procedures.

The Commission believes law reform must be based on broad consultation and consideration of the views of people who have not traditionally had an opportunity to contribute to the formulation of law. An important role for any law reform agency is to obtain feedback from as many members of the community as possible. This is challenging, particularly in the context of diverse public communities which are based on many characteristics such as ethnicity, religion, gender, age, ability, or sexual orientation. The Law Reform Commission is not only a public resource but a part of the law reform culture. This has resulted in translation of summaries of Commission papers into French and Mi'kmaw and the use of radio, television, print and electronic media, including the Internet. The Commission also recognizes that legal issues must be explained in a manner that enables people to participate in a reasonably informed way. As a result, all of the Commission's papers are written, as much as possible, in a way that can be understood by people who are not lawyers and who are not familiar with the legal system. In addition, having a non-lawyer Commissioner causes the Commission to question many of the assumptions and approaches of people trained in the law.

The educational function of the Commission is also an important aspect of law reform work. This is particularly the case when recommendations for reform, while endorsed in principle by the government, cannot be implemented for a period of time because of fiscal, institutional or other constraints. Pending adoption or consideration of its recommendations, the Commission

is able to educate individuals, groups, government and elected officials in the areas of law studied.

The Law Reform Commission of Nova Scotia is unique because of its independence and because the Commission has often chosen projects which have been perceived as"difficult." These projects often require a great deal of consultation and balancing of diverse interests. As a result, these do not immediately or easily result in legislation. Historically, the success of law reform agencies has been measured by the correlation between recommendations and legislation that is passed. The Commission has placed a great deal of emphasis on ensuring recommendations create actual reform or change in the legal system rather than simply adding to the law with no effective change being experienced. Indeed, it is the Commission's view that while creating a law may have some educational value, if there is no corresponding allocation of resources or institutional reform to properly deliver the promise of the law, it ultimately constitutes a disservice to the community. In some cases, the Law Reform Commission of Nova Scotia does not recommend new law but rather better enforcement of the present law. Also, since governments do not always respond promptly to law reform initiatives, it is important to consider how reports of the Commission affect lawyers' practice and encourage them to draft documents more clearly in light of the legislative ambiguities or shortcomings which have been highlighted by the Commission. Another measure of the Commission's success is the high regard in which its work is held. This enables the Commission to advise government regardless of the popularity of the advice. In addition, the Commission has focused on a cooperative and consultative approach to its research work. Where possible, every effort is made to ensure the research is available to other agencies in both the governmental and non-governmental sectors, largely to avoid duplication of effort. Creating public discussion and interest in the work of government and the legal system is a significant contribution of law reform work.

The Commission's work in its first few years tended to be in the areas of equality and family law. This reflects an assessment of the current problems facing society. It also reflects a view that socio-economic development will not occur in the absence of equality and a more effective system to address problems such as domestic violence. Issues such as personal autonomy, substantive equality and the role of the state in relation to these matters are at the heart of most contemporary public policy debates. Later projects of the Commission dealt with issues such as consumer protection in the context of mortgage and foreclosure proceedings and the rights of donors in the context of enduring powers of attorney. A substantial reference from the government in the area of probate reform was of tremendous interest to many Nova Scotians. A project which will attempt to clarify an obscure rule is amendments to the *Tortfeasors Act* and the project on interim payment of damages examines whether the present rule is adequate to protect the needs of injured parties to a civil action in the period before trial. A government reference requiring an examination of the mental health provisions of the *Hospitals Act*, has

occupied much of the Commission's time in this fiscal year. As well, in Fall 1999 the Commissioners decided to take on two new projects: *The Mechanics' Lien Act* and Minors' Consent to Health Care. Finally, the Commission received another reference from the Government in January 2000 to examine the law relating to the release of adoption information in the province. This is a particularly controversial topic but an important one for people affected by the law in this area.

The Law Reform Commission of Nova Scotia has now been in operation for nine years. As noted in earlier Annual Reports, the Commission has set up its infrastructure, created and developed its decision-making process and mandate, developed effective working relationships with the public, media, government departments, the practising Bar, academia, and numerous interest/representative groups. The Commission has actively involved and sought the advice of government personnel, the practising Bar and diverse community and interest groups throughout Nova Scotia. The Commission has also developed a pro-active approach to media, governmental and academic relations. This has involved presentation of papers at conferences of the Canadian Bar Association, the Continuing Legal Education Society of Nova Scotia and other interested groups. It has also involved an ongoing exchange of information with other law reform and policy agencies.

The general process of the Commission is reflected in the following outline. This process alters to some extent with each project, but has generally followed this pattern:

- ***Project Selection and Design:***

  The Commission selects a general topic for reform based on suggestions received from the public, legal practitioners, the judiciary, media and government. Often staff prepare preliminary research into the size of a project to determine whether it is useful and feasible and how it will relate to other work in the community. Alternatively, a reference is received from the Attorney General requiring the Commission to examine a subject area and the process proceeds immediately to the next stage.

- ***Research/Advisory:***

  If a project is taken on, an Issues Memorandum will be prepared for an Advisory Group. The Group is usually made up of a Commission legal staff person and a number of members of the community including government representatives, the judiciary, lawyers and other professionals, and advocacy groups with an interest and/or expertise in the issue. The Group meets to consider and identify issues and make recommendations to the Commission.

This is presented to the Commissioners in the form of an Issues Memorandum with proposed reform suggestions.

- ***Discussion Paper/Consultation:***

  Once the Commissioners have determined their initial position on the various issues, a Discussion Paper is prepared for public distribution. It is reviewed by the Commission and then circulated as broadly as possible. The Commission makes its work accessible electronically and its papers are all available on the Internet (Chebucto Community Net). The Discussion Paper is specifically designed and written to ensure communication with the non-legal public. A summary of the Paper is translated in the French and Mi'kmaw languages. A period of several months is allowed for public response. During this time, there is communication with the media to ensure the public is aware of the Paper. It is also available on the Internet. As well, presentations are made and meetings are held with interest groups to provide information.

- ***Final Report/Recommendations:***

  Comments on the suggestions in the Discussion Paper are reviewed by the Commissioners and a Final Report is prepared. The Final Report will contain the Commission's final recommendations and, if appropriate, draft legislation or instructions that will assist government Legislative Counsel in drafting legislation. The Final Report is provided to the Minister of Justice and affected Ministers. It is also publicly distributed and available on the Internet.

One of the considerations that arises during the Commission's discussion on law reform projects is the economic impact of implementing recommendations in an era of scarce resources. Ultimately, the issue for the Commission is identifying whether the problem being considered is one which can be addressed through adoption of a new law or change in the current law or its implementation. One of the more difficult issues in making recommendations arises out of the need to go beyond merely recommending adoption of a law which it is assumed will create the change. In order to make recommendations which will create real change, there is a need to identify areas in which change has not occurred and, assuming political will, to determine the factors that are blocking change and how these barriers can be removed.

2. Activities, 1999-2000

The Commission's current projects indicate that the Commission serves a wide range of people. The project on enduring powers of attorney responds to concerns of citizens, particularly senior citizens, who wish to plan for the possibility that they may become incapacitated in the future. This project also responds to concerns expressed by trust companies and lawyers who see gaps in the current legislation and are unsure whether an enduring power of attorney is valid and effective. A Discussion Paper, *Enduring Powers of Attorney in Nova Scotia* was released in June 1998. A Final Report was released in September 1999.

A diverse group of people which might be served by the Commission's work are injured parties waiting for a trial or other resolution of their dispute in Nova Scotia's court system. The Commission's project on interim payment of damages is considering whether, and in what circumstances, injured parties should be entitled to receive interim payment from the wrongdoer, prior to a final determination of the case. A Discussion Paper was released in January 2000 and a Final Report will be released Fall 2000. Similarly, the Commission's project on reform of the *Tortfeasors Act* will also serve injured parties and assist lawyers by clarifying and filling gaps in the legislation. A report is anticipated Winter 2001.

The Commission's third Reference from the Attorney General examines the mental health provisions of the *Hospitals Act*. This is a project which has required a comprehensive review of mental health law in the province, particularly in light of the *Charter of Rights and Freedoms*. In January 1999 the Commission hired a contract researcher to prepare a Background Paper and Issues Memorandum for the *Hospitals Act* project. Karen McEwen is a Dalhousie Law School graduate with a background in neurocritical nursing. She consulted with a large number of individuals and groups with an interest in mental health issues and an Advisory Group met from June 1999 to September 1999. The Advisory Group included a psychiatrist, a general practitioner, a representative of the Canadian Mental Health Association, the Executive Director of the Schizophrenia Society, a representative from the Department of Health, a law professor, the Chair of the Psychiatric Facilities Review Board, a law enforcement officer, the Public Trustee, a mental health consumer and the Health Director of the Union of Nova Scotia Indians. It is anticipated that the Commission will release a Discussion Paper in Summer 2000.

At its April 1999 meeting the Commission also conducted a comprehensive review of all project suggestions made to the Commission since 1991. Following the preparation by staff of a number of feasibility reports, the Commissioners chose two new projects: *Mechanics' Lien Act* and Minors' Consent to Health Care.

Although a number of the Commission's previous reports await action by the Government, Commission staff remain busy responding with interviews to print media as well as local television shows on its reports pertaining to enduring powers of attorney, living wills, probate reform and the release of adoption information. Newspapers, including local publications, *The Lawyers Weekly* and *IE: Money*, have carried articles on a number of the Commission's projects. Commission staff also spoke more generally about law reform at the CBA Nova Scotia Legislation and Law Reform Committee's Fall Forum in November 1999 as well as at the Confederacy of Nova Scotia Micmacs Band Managers' Conference in November 1999.

In late 1994, the Commission, in partnership with the Chebucto Community Net (CCN), made all its work available on the Internet (http://www.chebucto.ns.ca/Law/LRC). At the time this was a pioneer effort in Nova Scotia, since the CCN had not previously dealt with this volume of material before. In addition, this was the first time that the Mi'kmaw language has appeared on the Internet. The site provides information on the Commission and contains links to numerous electronic resources related to the law. In addition to information on how the Commission functions and how laws are reformed, the site describes the Commission's projects and lists the current members of the Commission. The full text of the Commission's reports are available on the Internet and can be downloaded for free. Each report includes a summary that has been translated into French and Mi'kmaw. The Commission's Home Page was recently translated into French. This translation was provided as a complimentary service of the CCN and is located at http://www.chebucto.ns.ca Law/LRC/index.html.fr.

The usage of the Commission's Web site has steadily increased since 1994. In the past year, there were over 41,000 hits to the site, reflecting an increase of 15% over the previous year. As well, many other Web sites contain links to the Commission's Web site including other law reform agencies and various commercial and government sites, both nationally and internationally.

The Commission also has an e-mail address (lawrefns@fox.nstn.ca). Members of the public can send e-mail to the Commission using this address or through various links on the Commission's Web site. The Commission receives many inquiries and comments via e-mail. In the Spring of 1996, the Commission's Discussion Paper, Matrimonial Property in Nova Scotia, was also made available through QuickLaw, a commercial computerized legal research system.

The Commission's Executive Director remains active on a number of committees facilitating and reviewing the implementation of Commission recommendations including the Monitoring Committee for the Government's Family Violence Prevention Initiative and the Agencies, Boards and Commission Design Team which developed a training module for board appointees. As well, the Executive Director continues to act as President of the Federation of

Law Reform Agencies of Canada, a position which she has held since April 1998. Ms. Jackman also participated in a study panel of the Law Commission of Canada looking at older adults' relationships and serves as a Commissioner to the Uniform Law Conference of Canada.

As the foregoing description suggests, the Commission has, in its relatively brief life, developed an identity and credibility with various sectors of the community in Nova Scotia. Although the Commission does not provide legal advice, the Commission is receiving an increasing number of calls from members of the public seeking legal information and direction as to where they may obtain assistance. In addition, more suggestions for law reform projects are proposed by members of the public, a fact which suggests that the Commission has developed some acceptance or recognition as a public resource.

The Commission's work has also been used by academics as teaching materials for classes, by government and by other agencies and public interest associations to develop awareness of issues and to focus discussions.

D. LAW REFORM PROJECTS, 1991-2000

Since 1991 the Law Reform Commission has chosen or been referred eighteen areas for law reform. The Commission has now fully completed eleven projects: the Enforcement of Maintenance Obligations; Reform of the Jury System in Nova Scotia; Domestic Violence; the Legal Status of the Child Born Outside of Marriage in Nova Scotia; Adult Guardianship; Advance Health Care Directives; Administrative Justice Reference; Reform of the Matrimonial Property System in Nova Scotia; Mortgage Foreclosure and Sale; Probate Reform in Nova Scotia and Enduring Powers of Attorney. It has also published a Discussion Paper on interim payment of damages, work is ongoing on adoption information and the *Tortfeasors Act* and a Discussion Paper will soon be released on the *Hospitals Act*. Research will begin this year on two new projects: The *Mechanics' Lien Act* and Minors' Consent to Health Care.

The rest of this section briefly outlines each project.

1. The Enforcement of Maintenance Obligations in Nova Scotia
(now resulting in legislation)

This project provided recommendations and a draft *Act* to create a more automatic process of enforcing court orders for family maintenance obligations. The Final Report was submitted to the government in the fall of 1992. In November 1994, the Government introduced legislation essentially adopting, with some alterations, the Law Reform Commission's draft *Act*. It was enacted as the *Maintenance Enforcement Act*. The new system started operating in 1996 and is expected to result in lower costs to the court system and to benefit recipients of maintenance support. In November 1998, the *Maintenance Enforcement Act* was amended, to implement another recommendation of the Commission allowing access to locked-in pension funds or RRSP contributions of parents or ex-spouses who fail to make court-ordered payments.

2. Reforms to the Jury System in Nova Scotia
(Final Report with the Government)

This project involved a review of jury selection processes which are administered by the province. The current system operates at great expense to individuals and society and is believed to be systemically discriminatory. Recent changes to the court structure in Nova Scotia, including large geographical areas for court jurisdictions, provided additional challenges. The Final Report contained recommendations for a more automatic juror selection system which made use of technology and existing computerized systems. It also contained a draft *Juries Act* which reflects the principles of efficiency and inclusion while eliminating various areas in which discretion could be used to exclude or excuse people from jury service.

In November 1998, a new *Juries Act* was passed, flowing in part from the recommendations of the Commission in its Final Report, *Juries in Nova Scotia*, which included draft legislation.

3. Domestic Violence
(Final Report with the Government)

The Final Report on this project, *From Rhetoric to Reality: Ending Domestic Violence in Nova Scotia*, was released in February 1995. The primary goal of the project was to determine the best and most effective provincial response to the crime of domestic violence. The problems identified by the Commission were social attitudes coupled with fundamental legal and structural problems in the legal system in Nova Scotia. This posed a challenge to determining where law reform could best occur. The Report is important in that statistics suggest Nova Scotia has the third highest rate of domestic violence in Canada. Domestic violence is a significant problem imposing large costs on society as a whole. The Report, along with other complementary studies, has resulted in the Government of Nova Scotia committing itself to identifying the ending of domestic violence as a quality of life goal. The Government has trained almost 2000 personnel in appropriate responses to domestic violence and has set up a monitoring committee to evaluate progress.

4. The Legal Status of the Child Born Outside of Marriage in Nova Scotia
(Final Report with the Government)

This project, aimed at implementing the *International Convention on the Rights of the Child*, has been a matter of interest for a number of groups as it also included discussion of the customary adoption practices in the Mi'kmaw community, new reproductive technology and recognition of broader definitions of the family. It has been used by and is of interest to the federal department responsible for Canada's international obligations. It is also of interest to lawyers in Nova Scotia in that it responds to recent decisions of the Nova Scotia Supreme Court, which found that legislation in Nova Scotia which distinguishes between children on the basis of their parents' marital status is contrary to the *Canadian Charter of Rights and Freedoms*. The Final Report, including a draft *Act*, was published in March 1995. The Commission recommended that provincial governments which have not already done so pass a law providing certainty for determination of parent-child relationships in connection with sperm donors and ovum donations. The Commission understands that consultations are taking place between the Department of Justice and the Department of Community Services on issues arising from the Final Report. Additionally, on November 9, 1999, Bill 25, *An Act Respecting the Administration of Justice* was passed. It implements changes to the *Intestate Succession Act* recommended by the Commission in its Final Report *The Legal Status of the Child Born Outside of Marriage in Nova Scotia*, March 1995.

5. Adult Guardianship

(Final Report with the Government)

A Discussion Paper was issued in the Fall of 1993. It received extensive media and public commentary and was well received by the judiciary and the public. The project reviewed the *Incompetent Persons Act* of Nova Scotia and considered the options available for assisting people who may not be able to make decisions for themselves. The issue affects a large number of people from all sectors and the Commission's recommendations are consistent with the overall trend in health law and policy to endorse personal autonomy and respect. The Advisory Group included people who advocated on behalf of various interests and people responsible for implementing legislation. The Group recommended the Commission extend its research to consider one specific alternative to adult guardianship, advance health care directives (more commonly known as "living wills"). The Commission considered this view and decided it would be more useful to provide the Government with a comprehensive Final Report which included both topics. Accordingly, the Commission began work on the Advance Health Care Directives project. A Final Report in both projects, including two draft laws, was provided to the Government in the 1995-96 fiscal year. The Commission understands that the government is looking at implementing legislative changes dealing with adult guardianship in the near future.

6. Advance Health Care Directives (Living Wills)

(Final Report with the Government)

This project reviewed and considered reforms to allow the use of a broader range of advance health care directives. Living wills is the common name used for advance health care directives, although technically it is only one type of directive. A Discussion Paper was published in November 1994. It is an area of research which has resulted in legislation in other provinces and, as noted above, was seen by the Advisory Group as an extension of the Adult Guardianship project. It is of interest to a broad range of people including seniors and people representing those with a number of terminal illnesses and other needs. It is an area of law about which there is some uncertainty in the legal profession in Nova Scotia as to the options available to clients. If adopted, the draft law will clarify these important issues. As noted in the description of the Adult Guardianship project, the Final Report was published in the 1995-96 fiscal year, together with the recommendations on Adult Guardianship. The Report contained a dissent from a Commissioner who fundamentally disagreed with the Commission's final recommendations.

7. Reform of the Administrative Justice System
(Final Report with the Government)

This project was a Reference from the Department of Justice requiring the Commission to draft legislation to essentially restructure the administrative law system in the province. The Reference required that the Commission examine administrative review/appeals, uniform natural justice/hearing procedures, and uniform powers for tribunals, as well as consider how to provide for independence of decision makers. The Commission carried out empirical research regarding all provincial decision-making agencies to determine to whom the law would apply and the procedures then in place. The Commission also developed an Advisory Group including the Chair of the Canadian Bar Association Administrative Law sub-section, practitioners who appear before various administrative boards, Chairs of two Boards/decision makers, academics and several Government staff lawyers. In addition, there was active and on-going communication with the two Chief Justices of the Supreme Court of Nova Scotia to ensure the judicial perspective was considered in relation to recommendations on judicial review and appeals.

The Commission released its preliminary views in a Discussion Paper published in February 1996. The Final Report, containing draft legislation, was published in January 1997. The Final Report has already resulted in one major initiative, the establishment of a training program for members of tribunals that conduct hearings. A 2-day course, "Foundations of Administrative Justice", was offered for the first time in the fall of 1998. It was being offered jointly by the Legal Services Division of the Department of Justice, the Workers' Compensation Appeals Tribunal (NS) and the Law Reform Commission of Nova Scotia, in response to requests from tribunal members and in response to the Law Reform Commission's Final Report. The Executive Director of the Law Reform Commission is a course organizer for this programme and Acting Executive Director William Charles is a facilitator for the training sessions.

8. Reform of the law dealing with Matrimonial Property
(Final Report with the Government)

This project reviews the law in Nova Scotia dealing with division of matrimonial property on the break-down of marriage. The project responds to the changing social situation whereby many people living in marriage-like relationships or common-law relationships require the assistance of the law to fairly settle disputes and obligations on the ending of the relationship. In addition the increasing number of second families or relationships require legal clarification of existing obligations. The Commission carried out consultation in the province and worked with an Advisory Group. The Commission reached its preliminary conclusions in March 1996 which suggested replacing the *Matrimonial Property Act* with a new law. A Discussion Paper

was released in April 1997. The Final Report on this project was published in March 1997. The Final Report, *Reform of the Law Dealing with Matrimonial Property in Nova Scotia*, contained a draft *Domestic Property Division Act* which has received considerable attention from the media. The Commission understands that the Final Report is currently under review as part of an overall family law initiative by the Government of Nova Scotia. It is of interest to note that a recent decision of the Nova Scotia Court of Appeal (*Walsh* v. *Bona*) held that the *Matrimonial Property Act* discriminates against common-law couples. The court has given the province one year to amend the legislation.

9. Electronic Information System and Law Reform

This project deals with two main issues. First, the protection of private sector holdings of personal information, particularly where it is stored electronically. The second aspect deals with commercial transactions and recognition of signatures when the transaction is electronic. A related aspect involves changes to the provincial *Evidence Act* to admit evidence relating to electronic transactions. Work is also being done through the Uniform Law Conference of Canada (ULCC) as the Federal Government is interested in ensuring Canada's trade position is not negatively affected by failures to address these issues in law. The project does, however, raise a number of regulatory issues in addition to problems arising from the fact that industry practice is not yet settled. The Nova Scotia Government's Information Policy Initiative also recommended there be law reform in this area. The Commission had originally planned to publish a Discussion Paper but decided to wait until more work was done by the ULCC to see if uniformity and consistency in practice between the provinces can be achieved. The Commission is also concerned with avoiding any duplication of work given the Commission's scarce resources.

10. Mortgage Foreclosure and Sale
(Final Report with the Government)

This project deals with the law relating to the remedies which a mortgagee (a lender, usually a financial institution) may use when a mortgagor (a borrower) defaults on a mortgage. In Nova Scotia, a sheriff's sale of the mortgaged property, authorized by the court, is the usual remedy when a mortgagor cannot maintain payments. Mortgagees in this province are allowed to buy the property at the sheriff's sale, a practice forbidden in many other provinces. In many cases, the mortgagee buys the property for a nominal amount and resells within a relatively brief period. The mortgagee may then sue the mortgagor for any deficiency between the amount still owing on the mortgage and the resale price. The standard of care expected of the mortgagee in the conduct of this second sale is unclear under existing case law, and can result in hardship in some cases. Recent changes to the Civil Procedure Rules have imposed more safeguards around the practice of seeking deficiency judgments in the interests of consumer

protection, but some problems still remain for consumers. At the same time, in order to ensure mortgages remain available for a wide range of consumers, there is a need to consider other remedies that should be available to mortgagees in cases of default. An Advisory Group met throughout the fall of 1996 on this project and a Discussion Paper was released in July 1997. Empirical research obtained from a full review of almost 400 foreclosure files was included in the Discussion Paper and a Final Report was published in September 1998.

11. Reform of the Probate System
(Final Report with the Government)

The Commission received an official Reference from the Minister of Justice asking it to examine the *Probate Act* and make recommendations for its improvement, modernization, and reform. In particular, the Minister asked the Commission to consider suggestions made by practitioners for a simplified summary procedure for small or uncomplicated estates. The first *Probate Act* was passed in 1842 and since that time only minor changes have been made to the original *Act*. An Advisory Group met throughout the fall of 1997. A Discussion Paper was released in March 1998 and a Final Report was published in March 1999. The Government is conducting further consultations on the Commission's Final Report and personnel have been hired to implement amendments to the *Act*.

12. Enduring Powers of Attorney
(Discussion Paper released June 1998)

The topic of enduring powers of attorney arose from an earlier Commission project pertaining to adult guardianship. In an attempt to provide an alternative to personal guardianship the Commission provided recommendations relating to living wills. In order to provide alternatives to financial guardianship, as well to address concerns from the bar practicing in the area of geriatric law, the Commission staff decided to examine reform of the law relating to enduring powers of attorney. A Discussion Paper was released in June 1998 and a Final Report was released in September 1999.

13. *Hospitals Act*

In December 1997, the Commission received a Reference from the Government asking it to examine the mental health provisions of the *Hospitals Act*. The Advisory Group included a psychiatrist, a general practitioner, a representative of the Canadian Mental Health Association, the Executive Director of the Schizophrenia Society, a representative from the Department of Health, a law professor, the Chair of the Psychiatric Facilities Review Board, a law enforcement officer, the Public Trustee, a mental health consumer and the Health Director

of the Union of Nova Scotia Indians. It is anticipated that the Commission will release a Discussion Paper in Summer 2000.

14. *Tortfeasors Act*

This project deals with a possible amendment to the Nova Scotia *Tortfeasors Act*. The proposed amendment would allow an injured party who gets judgment against a joint tortfeasor to provide a "release" which would not prevent the injured party from also seeking recovery from other joint tortfeasors. Currently a "covenant not to sue" must be used if the injured party wishes to maintain the right to sue joint tortfeasors. This distinction is not widely known. This is a problem left from the common law which requires correction by statute. It has been corrected in other provinces, such as Ontario, but not in Nova Scotia. Research is continuing on this project.

15. Interim Payment of Damages

This project deals with the court's ability to order defendants to make interim payments to plaintiffs before a final determination on liability. The issue arises most often when there is a long delay between an injury and a trial. A plaintiff may have no income for that period of time and feel forced to accept a compromise settlement as a result. Amendments to the Civil Procedure Rules of Nova Scotia were made in February 1997 to address some of the concerns in this area. Some people believe, however, that the amendments have not gone far enough and have caused further complications. A Discussion Paper suggesting, among other things, that the rule be amended to include situations where liability is still in question was released in January 2000.

16. *Mechanics' Lien Act*

The Commission recently decided to take on a large project on reform of the *Mechanics' Lien Act*. Mechanics' lien statutes are meant to provide builders, suppliers, and others who improve land with some protection against insolvency of the property owner or of a contractor occupying a contractual position between the lien claimants and the owner. The first mechanics' lien legislation was introduced in Nova Scotia in 1879, and the first comprehensive statute on mechanics' liens appeared in 1899. Intervening changes have been relatively minor, so that the current *Act* is quite similar to the 1899 one. Some reforms have, however, been implemented since 1976. Mechanics' liens are now available to those who rent equipment used on land. The current statute contains a definition of "substantial performance," which is used to determine when time begins to run for the release of a statutory holdback. The statutory holdback itself has been reduced to 10%. Preliminary research will be underway later this fall.

17. Minors' Consent to Health Care

The Commission also decided to begin a project examining the issue of minors' consent to treatment. It is often assumed that the age of consent is synonymous with the age of majority. Many people therefore believe that the consent of parents or a guardian must be sought prior to providing a minor with medical treatment. At common law, however, any person, regardless of age, has the legal authority to give consent to his or her medical treatment if he or she has the mental capacity to do so. The issue of minors' consent can be troublesome to health care professionals because of the potential consequences of proceeding without the necessary consent. An intentional bodily interference with another person, without that person's consent, may constitute the tort of battery. The same act done without consent might also lead to a criminal charge of assault and discipline from a professional body. The *Medical Consent Act*, R.S.N.S. 1998, c. 279 does not mention minors. Research for this project will begin in Spring 2000.

18. Adoption Information

On January 17, 2000, the Commission received its fourth reference from the Attorney General. It requested that the Commission "undertake an examination of the laws and branches of the law relating to disclosure of adoption information in the province of Nova Scotia and particularly with respect to the disclosure of adoption information to adoption principals and to make recommendations to the government for their improvement, modernization and reform." Background research has recently commenced for this project.

APPENDIX A

***THE LAW REFORM COMMISSION* ACT**

CHAPTER 17 OF THE ACTS OF 1990

An Act to Establish an Independent Law Reform Commission

Short title

1 This Act may be cited as the *Law Reform Commission Act*. 1990, c.17, s.1.

Interpretation

2 In this Act, "Commission" means the Law Reform Commission of Nova Scotia. 1990, c.17, s.2.

Law Reform Commission of Nova Scotia

3 There is hereby established a body corporate to be known as the Law Reform Commission of Nova Scotia. 1990, c.17, s.3.

Object of Commission

4 The object of the Commission is to review the law of the Province and any matter relating to law in the Province and to make recommendations for improvement, modernization and reform including, without limiting the generality of the foregoing, recommendations for

(a) development of new approaches to, and new concepts of, law that serve the changing needs of society and of individual members of society;

(b) clarification and simplification of the law;

(c) removal of provisions of the law that are outdated:

(d) improvement of the administration of justice;

(e) review of judicial and quasi-judicial procedures. 1990. c.17, s.4.

Composition of Commission

5 (l) The Commission shall be composed of not fewer than five nor more than seven commissioners who may be appointed, either on a full-time basis or a part-time basis, as follows:

(a) two members of the Nova Scotia Barristers' Society appointed by the Council of the Society;

(b) a judge of a court of the Province, appointed by the Governor in Council after consultation with the Chief Justice of Nova Scotia and the chief judge of the court of which the judge is a member;

(c) a full-time member of the Faculty of Law of Dalhousie University appointed by the Governor in Council after consultation with the Dean of the Faculty;

(d) a person who is not a graduate in law appointed by the Governor in Council;

(e) where the Governor in Council determines that the Commission is to be composed of more than five commissioners, one or two persons appointed by the Governor in Council.

Term of office of commissioner

(2) Each commissioner holds office for a term of three years, except that one of the first commissioners appointed by the Council of the Nova Scotia Barristers' Society and one of the first commissioners appointed by the Governor in Council shall be appointed for a term of two years.

Ceasing to be a commissioner

(3) A person ceases to be a commissioner where

(a) that person fails to attend three consecutive regular meetings of the Commission, except where the Commission by resolution excuses the absences; or

(b) the composition of the Commission ceases to comply with this Act as a result of the person ceasing to be a person described in clause (a), (b), (c) or (d) of subsection (1).

Casual vacancies

(4) Where a person ceases to be a commissioner for any reason other than the expiration of that person's term of office, the Governor in Council or the Council of the Nova Scotia Barristers' Society, as the case may be, shall appoint a person for the unexpired portion of the term.

Re-appointment of commissioner

(5) A commissioner whose term of office has expired may be re-appointed.

Expiry of term of office

(6) A commissioner whose term of office expires continues to hold office until a successor is appointed.

Vacancy

(7) A vacancy in the membership of the Commission does not impair the ability of the remaining members to act. 1990, c.17, s.5.

President of Commission

6 The commissioners shall appoint one of the members of the Commission to be the President of the Commission. 1990, c.17, s.6.

Remuneration and expenses

7 The President and other members of the Commission may be paid such remuneration and shall be paid such travelling and living expenses as may be determined by the Governor in Council. 1990, c.17, s.7.

Powers of Commission

8 (1) The Commission may

(a) receive and consider any proposals for the reform of the law that may be made to it by any person;

(b) initiate, carry out and direct such studies and research as are necessary to properly carry out its object;

(c) publish papers, studies or other documents prepared by or for the Commission;

(d) co-operate or enter into agreements with any organization that undertakes projects relating to the object of the Commission within or outside the Province;

(e) with the concurrence of the Attorney General and to the extent that the Commission is able to do so without, in its opinion, impairing its ability to carry out its object or duties, provide information, research material and study results and make recommendations to departments, boards and agencies of the Government of the Province concerned with the improvement, modernization or reform of laws;

(f) regulate its proceedings and provide generally for the conduct and management of its affairs;

(g) do such things and take such measures as the

Commission considers advisable for the achievement of its object, including the making of by-laws.

Duties and further powers of Commission

(2) The Commission

(a) may make use of technical and other information, advice and assistance from departments, boards and agencies of the Government of the Province;

(b) shall undertake, at the request of the Attorney General, in a manner as determined by the Commission, the examination of particular laws or branches of the law and make recommendations for their improvement, modernization and reform. 1990, c.17, s.8.

Meetings of Commission

9 The Commission shall meet at least four times in each year. 1990, c.17, s.9.

Personnel

10 (1) An Executive Director and such persons as are required for the administration of this Act and the regulations shall be appointed by the Commission, in accordance with the *Civil Service Act*.

Function of Executive Director

(2) The Executive Director has the management, direction, control and administration of the day-to-day operations of the Commission.

Advisers

(3) Notwithstanding subsection (1), the Commission may engage, upon such terms and conditions as the Commission deems fit, the services of such professional persons, technical persons and experts to advise the Commission as the Commission deems necessary for the carrying out of its object. 1990, c.17, s.10.

Appropriation of money

11 (1) Money appropriated by the Legislature for the purpose of this Act shall be paid out by the Attorney General.

Law Reform Commission Fund

(2) The Commission shall maintain an account to be under the control and management of the Commission, to be known as the Law Reform Commission Fund, into which the Attorney General may pay from time to time any

sum of money appropriated and into which may be paid any sum of money contributed as a grant or gift by any person, organization or body.

Use of money in Fund

(3) Except where a stipulation or condition is expressed in relation to a sum of money paid into the Law Reform Commission Fund, the money in the Fund may be used by the Commission for the purpose of this Act. 1990, c.17, s.11.

Annual report to Attorney General

12 (1) The Commission shall report from time to time to the Attorney General and shall make an annual report to the Attorney General on the activities of the Commission.

Tabling of annual report

(2) The Attorney General shall table the annual report of the Commission in the Assembly, if the Assembly is then sitting and, if the Assembly is not sitting, within fifteen days of its next sitting.

Other report

(3) Where the Commission reviews, considers or inquires into a matter, the Commission shall make a report to the Attorney General with respect to that matter at the conclusion of its deliberations.

Publication of report

(4) The Commission may publish a report made pursuant to this Section. 1990, c.17, s.12.

Repeal

13 Chapter 251 of the Revised Statutes, 1989, the *Law Reform Act*, is repealed. 1990, c.17, s.13.

Proclamation

14 This Act comes into force on and not before such days as the Governor in Council orders and declares by proclamation. 1990, c.17, s.14.

Proclaimed	-	January 22, 1991
In force	-	February 1, 1991

APPENDIX B

FINANCIAL REPORT
FOR THE 1999-2000 FISCAL YEAR

Law Reform Commission Of Nova Scotia
Balance Sheet As At 3/31/2000

ASSETS		
CURRENT ASSETS		
Petty Cash		25.00
Bank Operating Account	4,612.89	
T-Bill Account	50,186.66	
Total Cash		54,799.55
Prepaid Expenses		1,156.75
HST Receivable		2,872.10
GST Receivable		21.21
TOTAL CURRENT ASSETS		58,874.61
FIXED ASSETS		
Computer Office Equipment	11,795.83	
Accum Computer Office Equi	-11,795.83	
Net Office Equipment		0.00
TOTAL FIXED ASSETS		0.00
TOTAL ASSETS		58,874.61
LIABILITIES		
CURRENT LIABILITIES		
Accrued Salary		513.05
Accrued Vacation Payable		6,514.62
Accounts Payable		41,238.29
UIC Payable	0.00	
CPP Payable	0.00	
Income Tax Payable	0.00	
Receiver General Payable		0.00
TOTAL CURRENT LIABILITIES		48,265.96
TOTAL LIABILITIES		48,265.96
EQUITY		
SURPLUS		
Surplus Beginning Of Year		31,707.66
Surplus Current Year		-21,099.01
ACCUMULATED SURPLUS		10,608.65
TOTAL EQUITY		10,608.65
LIABILITIES AND EQUITY		58,874.61

Law Reform Commission Of Nova Scotia
Income Statement 4/01/1999 to 3/31/2000

REVENUE		
OPERATING & PROJECT INCOME		
Dept. of Justice		150,000.00
NS Law Foundation Contrib.		40,000.00
Interest Income		2,674.27
TOTAL CONTRIBUTIONS		192,674.27
TOTAL REVENUE		192,674.27
EXPENSE		
ADMINISTRATIVE EXPENSES		
Wages	159,101.11	
EI Expense	1,478.70	
CPP Expense	1,231.46	
Group Insurance Expense	1,029.20	
TOTAL PERSONNEL RELATED		162,840.47
Advertising		130.20
Non Legal Consultants Fees		3,158.40
Commissioners Fees & Expenses		7,077.47
Electrical Expense		967.50
Meeting Costs		1,738.28
Library		1,237.42
Accounting Fees		400.00
Membership Dues		400.00
Professional Fees		871.44
Computer Repairs		330.00
Internet		345.00
Staff Expenses		155.02
Temp Staff Expense		1,565.50
Rent	17,682.60	
Office Equipment Rental	3,039.40	
Insurance	507.00	
TOTAL PREMISES RELATED		21,229.00
Office Supplies	1,790.42	
Parking	25.00	
Photocopy/Printing	1,932.41	
Postage & Courier	1,021.88	
Telephone Expense	3,687.74	
Travel/Conference/Workshop	2,251.74	
Staff Deve.& Reg. Fees	220.00	
Office Equip Maintenance	236.45	
TOTAL OFFICE RELATED		11,165.64
Bank Charges		257.34
HST Paid On Purchases		-103.00
GST Paid on Purchases		7.60
TOTAL ADMINISTRATION		213,773.28
TOTAL EXPENSE		213,773.28
NET INCOME		-21,099.01

		Debits	Credits
40	Petty Cash	25.00	-
1050	Bank Operating Account	4,612.89	-
1070	T-Bill Account	50,186.66	-
40	Advances Receivable	0.00	-
60	Prepaid Expenses	1,156.75	-
1270	HST Receivable	2,872.10	-
1271	GST Receivable	21.21	-
60	Computer Office Equipment	11,795.83	-
70	Accum Computer Office Equi	-	11,795.83
580	Office Equipment	0.00	-
1590	Accum Dep'n Office Equip.	0.00	-
40	Furniture & Fixtures	0.00	-
50	Accum Dep'n Furn & Fixture	0.00	-
51	Accrued Salary	-	513.05
2052	Accrued Vacation Payable	-	6,514.62
200	Accounts Payable	-	41,238.29
01	Accrued Payables	-	0.00
02	Accrued Accounting Fees	-	0.00
2300	Vacation Payable	-	0.00
2301	Group Insurance Payable	-	0.00
10	UIC Payable	-	0.00
20	CPP Payable	-	0.00
2330	Income Tax Payable	-	0.00
3560	Surplus Beginning Of Year	-	31,707.66
50	Dept. of Justice	-	150,000.00
00	NS Law Foundation Contrib.	-	40,000.00
4260	Interest Income	-	2,674.27
4300	Miscellaneous Income	-	0.00
79	PYS (DO NOT USE)	-	0.00
60	Wages	159,101.11	-
00	EI Expense	1,478.70	-
5410	CPP Expense	1,231.46	-
11	Group Insurance Expense	1,029.20	-
00	Advertising	130.20	-
10	Non Legal Consultants Fees	3,158.40	-
5520	Commissioners Fees & Expenses	7,077.47	-
525	Electrical Expense	967.50	-
30	Meeting Costs	1,738.28	-
40	Library	1,237.42	-
5550	Amortization	0.00	-
5555	Write off of fixed assets	0.00	-
60	Accounting Fees	400.00	-
70	Furniture & Fixtures	0.00	-
5575	Membership Dues	400.00	-
5580	Professional Fees	871.44	-
81	Vacation Relief	0.00	-
90	Computer Repairs	330.00	-
600	Internet	345.00	-
5620	Staff Expenses	155.02	-
621	Temp Staff Expense	1,565.50	-
40	Rent	17,682.60	-
641	Moving Expenses	0.00	-
5650	Office Equipment Rental	3,039.40	-
700	Insurance	507.00	-
60	Office Supplies	1,790.42	-
70	Parking	25.00	-
5780	Photocopy/Printing	1,932.41	-
5800	Postage & Courier	1,021.88	-
20	Telephone Expense	3,687.74	-
35	Travel/Conference/Workshop	2,251.74	-
5840	Staff Deve.& Reg. Fees	220.00	-
5860	Office Equip Maintenance	236.45	-
10	Bank Charges	257.34	-
40	Miscellaneous	0.00	-
5960	HST Paid On Purchases	-	103.00
5961	GST Paid on Purchases	7.60	-
		284,546.72	284,546.72

APPENDIX C

LIST OF PUBLICATIONS (BY PROJECT)

Law Reform Commission Publications
(As at March 31, 2000)

Administrative Justice System (Agencies, Boards and Commissions - ABC Report)

- *Agencies Boards and Commissions: The Administrative Justice System* (Discussion Paper, January 1996)
- *Reform of the Administrative Justice System in Nova Scotia* (Final Report, January 1997)

Adult Guardianship/Advance Health Care Directives

- *Adult Guardianship in Nova Scotia* (Discussion Paper, September 1993)
- *Living Wills in Nova Scotia* (Discussion Paper, November 1994)
- *Adult Guardianship and Personal Health Care Decisions* (Final Report, November 1995)

Domestic Violence

- *Violence in a Domestic Context* (Discussion Paper, March 1993)
- *From Rhetoric to Reality, Ending Domestic Violence in Nova Scotia* (Final Report, February 1995)

Enduring Powers of Attorney

- *Enduring Powers of Attorney in Nova Scotia* (Discussion Paper, June 1998)
- *Enduring Powers of Attorney in Nova Scotia* (Final Report, September 1999)

Enforcement of Maintenance Obligations

- *Enforcement of Maintenance Obligations* (Discussion Paper, July 1992)
- *Enforcement of Maintenance Obligations* (Final Report, November 1992)

Interim Payment of Damages

- *Interim Payment of Damages* (Discussion Paper, January 2000)

Jury System

- *Reform of the Jury System in Nova Scotia* (Discussion Paper, May 1993)
- *Reform of the Jury System in Nova Scotia* (Final Report, June 1994)

Matrimonial Property

- *Matrimonial Property in Nova Scotia: Suggestions for a New Family Law Act* (Discussion Paper, April 1996)
- *Reform of the Law Dealing with Matrimonial Property in Nova Scotia* (Final Report, March 1997)

Mortgage Foreclosure and Sale

- *Mortgage Foreclosure and Sale* (Discussion Paper, July 1997)
- *Mortgage Foreclosure and Sale* (Final Report, September 1998)

Probate

- *Probate Reform in Nova Scotia* (Discussion Paper, March 1998)
- *Probate Reform in Nova Scotia* (Final Report, March 1999)

Status of the Child Born Outside Marriage

- *The Legal Status of the Child Born Outside of Marriage in Nova Scotia* (Discussion Paper, August 1993)
- *The Legal Status of the Child Born Outside of Marriage in Nova Scotia* (Final Report, March 1995)